

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO: 2:20-cr-00054

NEDELTCHO VLADIMIROV

NOTICE OF INTENT
TO INTRODUCE BUSINESS RECORDS

Now comes the United States of America, by Andrew J. Tessman and Erik Goes, Assistant United States Attorneys for the Southern District of West Virginia, and provides notice of the United States' intent to introduce business records, admissible under Rules 902(11) and 803(6) of the Federal Rules of Evidence at trial.

I. Legal Standard

Rule 902(11) permits parties to introduce records through the written declarations of custodians of records. Rule 902 does not require "extrinsic evidence of authenticity" with respect to:

(11) Certified Domestic Records of Regularly Conducted Activity. The original or a copy of a domestic record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person, in a manner complying with any Act of Congress or rule prescribed by the Supreme Court pursuant to statutory authority, certifying that the record-

(A) was made at or near the time of the occurrence of the matters set forth by, or from information

transmitted by, a person with knowledge of those matters;

(B) was kept in the course of the regularly conducted activity; and

(C) was made by the regularly conducted activity as a regular practice.

A party intending to offer a record into evidence under these paragraphs must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.

A conforming amendment to Rule 803(6), which establishes the business record exception to the hearsay rule, allows such records to be admitted based on the authenticating testimony of a custodian of records or upon a written declaration under Rule 902(11).

The United States intends to rely on the following business records, which are relevant to this case:

- City National, Chemical Bank, and JP Morgan Chase bank account records for defendant's bank account;
- eBay records of all purchase and sale transactions under user name/account "nedined," and registration records for "nedined";
- PayPal records of all purchase and sale transactions related to eBay user "nedined"; and

II. Business Records

The United States intends to introduce the above records in its case-in-chief. These records are self-authenticating, and a proper foundation is laid through sworn declarations from the records custodians. The United States intends to introduce these records with the accompanying sworn declarations from records custodians as business records that satisfy both the requirements of 902(11) and are exceptions to the hearsay rule under 803(6). Both the records and the declarations have previously been provided to defendant.

Admission of these records under Rule 902(11) and 803(6) will save witnesses considerable time and the inconvenience of traveling to West Virginia for brief testimony. If required to testify, the witnesses from these companies will testify as to what they have already sworn in their declarations to lay the proper foundation for these business records.

III. Conclusion

The business records outlined above are self-authenticating and admissible as exceptions to the hearsay rule. The attached summaries are accurate summaries of data from these admissible records. The United States is providing notice of its intent to introduce and rely on these records at trial.

The United States anticipates calling approximately twenty witnesses at trial. Introducing the above records as business

records, admissible under Rule 902(11) and 803(6), will not only reduce the witness list by five, but will save considerable time and inconvenience of the representatives of each company from all over the country.

Respectfully submitted,

UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "**NOTICE OF INTENT TO INTRODUCE BUSINESS RECORDS**" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 24th day of August 2020, to:

Rachel Zimarowski
United States Courthouse, Room 3400
300 Virginia Street East
Charleston, West Virginia 25307

By: s/Andrew J. Tessman